

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 20, 2010

D057843 In re Gaxiola on Habeas Corpus

The petition is denied.

D055507 People v. Becker

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D055892 People v. Zane

The judgment is reversed.

Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D057934 In re Thompkins on Habeas Corpus

The petition is denied.

D058028 In re Luna on Habeas Corpus

The petition is denied.

D057943 In re Fear on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 21, 2010

- D055157 Reynolds v. City of San Diego**
The judgment is affirmed. Respondent to recover costs on appeal.
McIntyre, J.; We Concur: McConnell, P.J., Irion, J.
- D055125 People v. Reynolds**
The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.
- D054769 People v. Williams**
The judgment is affirmed. McIntyre, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D056131 In re Jorge F., a Juvenile**
The order is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Irion, J.
- D055390 Cochran v. El Cajon Motors**
The trial court's May 1, 2009, judgment, including the post-trial motion to tax costs of El Cajon Motors, is affirmed. El Cajon Motors to recover its costs on appeal.
Benke, J.; We Concur: McConnell, P.J., McIntyre, J.
- D056920 In re Miguel C., a Juvenile**
The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.
- D058038 Brown v. The Superior Court of San Diego County/The People**
The petition is denied.
- D058037 In re Dunn on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 22, 2010

- D056552 People v. Reed**
The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Benke, J.
- D058148 Kendall West, LLC et al. v. Superior Court of San Diego County/Mira Mar Mobile Community Homeowners Association, Inc., et al.**
The petition is denied.
- D056917 In re Anthony R. et al., Juveniles**
The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Huffman, J.
- D057212 Kashani v. Miller et al.**
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D057582 Raser et al. v. Allied Property and Casualty Insurance Company**
Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.
- D054909 Paulson et al. v. Paulson**
Order affirmed. Appellant John Michael Paulson to pay respondents' costs on appeal. Haller, J.; We Concur: McConnell, P.J., McIntyre, J.
- D056632 People v. Perez**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately.
- D055304 Smith et al. v. Byrnes et al.**
The judgment is affirmed.
Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D057312 In re Marie B., a Juvenile**
The order denying reunification services for Christopher is reversed. In all other respects the jurisdictional and dispositional orders are affirmed. The juvenile court is directed to hold a new dispositional hearing and to order reunification services for Christopher. McDonald, J.; We Concur: McConnell, P.J., O'Rourke, J.
- D056335 Adrian v. Adrian**
Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 22, 2010 (Continued)

D058162 People v. Bondurant

The August 4, 2010, letter of the Superior Court of San Diego County and the notice of appeal filed on September 2, 2010, have been read and considered by Presiding Justice McConnell and Associate Justices O'Rourke and Irion. The letter is not an appealable order or judgment. The appeal filed on September 2, 2010, is dismissed.

D057954 In re Nguyen on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 23, 2010

D055887 People v. Foreman

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Nares, J.

D056696 In re A.N., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Aaron, J.

D056343 In re S.E., a Juvenile

D056995 In re S.E., on Habeas Corpus

The pending petition for writ of habeas corpus, In re S.E., D056995, is consolidated with the pending appeal, In re S.E., D056343, for disposition.

D056343 In re S.E., a Juvenile

D056995 In re S.E., on Habeas Corpus

(Consolidated) The judgment is affirmed. The petition for habeas corpus is denied. McConnell, P.J.; We Concur: McIntyre, J., Irion, J.

D054491 People v. Taeotui

The conviction of assault with a semiautomatic firearm (count 3) is reversed. If, after the filing of the remittitur in the trial court, the People do not retry Taeotui on count 3 within the time limit set forth in section 1382, subdivision (a)(2), the trial court shall treat the remittitur as a modification of the judgment as to count 3 to reflect a conviction of assault with a firearm in violation of section 245, subdivision (a)(2), and resentence Taeotui accordingly. (See *People v. Edwards* (1985) 39 Cal.3d 107, 118; *People v. Racy* (2007) 148 Cal.App.4th 1327, 1336, 1338; *People v. Woods* (1992) 8 Cal.App.4th 1570, 1596.)

The trial court also shall modify Taeotui's sentence to strike the stayed section 186.22, subdivision (b)(1) enhancement. The court shall amend the abstract of judgment in accordance with our directions in this and the preceding paragraph, and forward an amended abstract of judgment to the Department of Rehabilitation and Corrections.

In all other respects, the judgment is affirmed.
Irion, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D055576 In re Melvin M., a Juvenile

The true findings on counts 2, 3, 4, 5 and 6 are sustained. The residential burglary true finding (count 1) is reversed. The case is remanded for a recalculation of the maximum term of confinement in accordance with the views expressed in this opinion. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 23, 2010 (Continued)

D054774 People v. Whitlock

The judgment is reversed, and the case is remanded to the trial court for reconsideration of defendant's equal protection argument in light of *McKee, supra*, 47 Cal.4th 1172, and the final resolution of the proceedings on remand in *McKee*. (*Id.* at pp. 1208-1210.) In this regard, the trial court shall suspend further proceedings in this case pending finality of the proceedings on remand in *McKee*, including any proceeding in the Superior Court of San Diego County in which *McKee* may be consolidated with related matters, any subsequent appeal and any proceedings in the California Supreme Court.
Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D057953 Hamilton v. Superior Court of San Diego County/People

The petition is denied.

D055470 Agosto v. Board of Trustees of the Grossmont-Cuyamaca Community College District

The judgment is affirmed. The parties shall bear their own costs on appeal.
McDonald, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D055839 Holt v. Vessels

The judgment is reversed. Vessels is to bear costs on appeal.
Aaron, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D058188 Seymour v. Superior Court of San Diego County/Tartaro et al.

The petition is denied.

D055441 Blumenfeld v. Qualcomm, Inc.

The judgment is reversed as to the claims for harassment, failure to prevent harassment and intentional infliction of emotional distress. In all other respects the judgment is affirmed. Parties to bear their own costs.
Nares, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D056911 People v. Cohen

Upon filing an abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D058095 In re Marriage of Speer

Because appellant did not timely pay the filing fee, the appeal is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
September 24, 2010

- D057977 In re Savangsengouthay on Habeas Corpus**
The petition is denied.
- D057976 In re Berthey on Habeas Corpus**
The petition is denied.
- D057148 In re Jonathan R., a Juvenile**
The order is affirmed. McConnell, P.J.; We Concur: Benke, J., Aaron, J.
- D056853 People v. Sturdivant**
The judgment is affirmed.
Huffman, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.
- D058163 Center for Autism Research Evaluation & Service v. Superior Court of San Diego County/Pope**
The petition is denied.
- D057490 In re P.C., a Juvenile**
Upon filing a written abandonment of appeal, personally signed by the appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Respondent's Request for Judicial Notice; Motion to Dismiss the Appeal as Moot or alternatively for an extension of time to file Respondent's Brief is denied as moot.
- D057905 In re Adler on Habeas Corpus**
The petition is denied.
- D057986 In re Thornton on Habeas Corpus**
The petition is denied.
- D058110 In re Thornton on Habeas Corpus**
The petition is denied.
- D058060 Thornton v. Superior Court of San Diego County**
The petition is denied.